THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 29th September, 2006

W.P.No.21145 of 2001

Between:

P. Suresh … Petitioner

and

The Revenue Divisional Officer,
Warangal, Warangal
District & another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.21145 of 2001

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Notification dated 30-9-2001 issued by the 1st respondent in seeking to fill up fair price shops in Warangal Division by reserving more than 75% of the shops for Scheduled Castes, Scheduled Tribes and Backward Classes as being violative of Articles 14 and 15(1) of the Constitution of India.

It seems, on the death of the original permanent dealer of shop No.95 of Rangasaipeta, Warangal, the petitioner was appointed on temporary basis. Thereafter, for filling up the said vacancy along with some other vacancies on permanent basis, notification dated 30-9-2001 was issued by the 1st respondent-Revenue Divisional Officer, Warangal. According to the petitioner, 75% of the vacancies were reserved for S.Cs and B.Cs alone. If this is done, he will not be entitled to compete with others, since he belongs to O.C. category.

The criteria for appointment of a fair price shop dealer is that the candidate should be a resident of that village and possess the requisite educational and age qualifications and also the reserved category, if any. In case of shop No.95 of Rangasaipeta, the same is reserved for SC General. Petitioner belongs to open category. His grievance is that reserving shop No.95 of Rangasaipeta for SC category is arbitrary and illegal.

Learned Government Pleader, on instructions, submits that the

petitioner is not a resident of Rangasaipeta, apart from the fact that he was only a temporary dealer. He is not entitled for being considered as against shop No.95 of Rangasaipeta, since it is reserved for SC category.

The whole of the division is taken into consideration for the purpose of reservation of fair price shops. Since number of vacancies against SCs and BCs were not filled-up in the earlier recruitment, probably, 75% of the vacancies were reserved for them. The petitioner should not have any grievance for reserving shop No.95 of Rangasaipeta for SC category and inviting applications from SC general category candidates. I am of the opinion that no case is made out by the petitioner for interfering with the notification issued by the 1st respondent against shop No.95 of Rangasaipeta, Warangal. The Writ Petition is devoid of merits and is liable to be dismissed.

The Writ Petition is, therefore, dismissed. No order as to costs.

However, this will not preclude the authorities from considering the vacancy being notified afresh for other than SC category, if it is possible as per the Governmental Orders in vogue.

29-9-2006

prk